

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

NUE CHEER FRANKLIN and THE)
ESTATE OF ELNORIA FRANKLIN,)
)
Plaintiffs,)
)
v.)
)
GARDEN STATE LIFE)
INSURANCE and AMERICAN)
NATIONAL INSURANCE COMPANY,)
)
Defendants.)

CIVIL ACTION NO.
2:09cv109-MHT

ORDER

After an independent and de novo review of the
record, it is ORDERED as follows:

- (1) Plaintiffs' motion for reconsideration (Doc. No. 35) is denied.
- (2) Plaintiffs' objections (Doc. No. 35) are overruled.
- (3) The magistrate judge's recommendation (Doc. No. 29) is adopted.

(4) Plaintiffs' motion for leave to amend (Doc. No. 19) is granted.

(5) The claims brought by plaintiff Nue Cheer Franklin as administratrix of the estate of Elnoria Franklin are dismissed without prejudice.

(6) Plaintiffs' motion to strike (Doc. No. 24) is denied.

It is further ORDERED that this cause is referred back to the United States Magistrate Judge for further appropriate proceedings.

DONE, this the 16th day of June, 2009.

 /s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE